

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

GOVERNOR GREG ABBOTT, in his official  
capacity as Governor of the State of  
Texas,

and

GOVERNOR MIKE DUNLEAVY, in his  
official capacity as Governor of the State  
of  
Alaska,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, in his official capacity  
as President of the United States, *et al.*,  
*Defendants.*

No. 6:22-cv-3-JCB

DEFENDANTS' UNOPPOSED MOTION TO EXTEND  
DEADLINE FOR EACH PARTY TO FILE A STATUS REPORT

Defendants submit this unopposed motion to extend the deadline for each party to submit a status report from September 25, 2023, to October 11, 2023, the day after the deadline for seeking further review from the Supreme Court expires.

"This court previously stayed this case until 30 days after the Fifth Circuit issued its mandate in its Case No. 22-40399, the appeal from this court's ruling on the motion for a preliminary injunction," and "[t]his court further directed each party to file a status report before that stay lifts after the Fifth Circuit's mandate." ECF No. 58. On August 30,

2023, this Court requested parties to include their respective positions on questions posed by the Court “so that the court can intelligently set a schedule and begin preparations for any trial or further hearing in this matter.” *Id.* The Court directed the parties to submit status reports by September 25, 2023. *Id.*

On August 28, 2023, the Supreme Court extended the time within which to file a petition for a writ of certiorari in *Abbott v. Biden* to October 10, 2023. Supreme Court Order, App. No. 22-40399 (5th Cir. Sept. 5 2023).

In deciding whether to file a petition for writ of certiorari, the Solicitor General seeks input from a number of components of the Department of Justice. The additional time now requested is needed for the government to complete the consultation process and for the Solicitor General to reach a final decision. The Solicitor General’s decision will likely inform Defendants’ answers to the questions posed in the Court’s recent Order.

For these reasons, Defendants respectfully request that the Court extend the deadline for each party to submit a status report to October 11, 2023.

Date: September 15, 2022

Respectfully submitted,

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General

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/s/ Zachary A. Avallone

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**CERTIFICATE OF SERVICE**

I certify that on September 15, 2022, this document was filed through the Court's CM/ECF system, which automatically serves all counsel of record.

/s/ Zachary A. Avallone

**CERTIFICATE OF CONFERENCE**

I certify that on September 14, 2022, counsel for Defendants conferred via email with counsel for Plaintiffs, complying with Local Rule CV-7(h). Plaintiffs have indicated that they do not oppose the relief sought by this motion.

/s/ Zachary A. Avallone